

Remarks

In the Office Action mailed April 16, 2007 the Examiner noted that claims 1-3, 6-9, 12-15, 18, 19, and 22 were pending, and rejected claims 1-3, 6-9, 12-15, 18, 19, and 22. Claims 1, 7, 13, 19 and 22 have been amended and, thus, in view of the forgoing claims 1-3, 6-9, 12-15, 18, 19, and 22 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 3 of the Office Action rejects all claims under 35 U.S.C. § 103 over Valentino and Kramer.

The Examiner provides a rationale for the rejection of claim 1 on page 5 of:

One would have been motivated to include such advertising in order to provide an advertisement revenue stream that helps offset the expenses of operating the system disclosed by Valentino.

This is submitted to be a rationale based on impermissible hindsight. For example, Valentino says not one thing about advertising (the word and variations thereof do not appear in Valentino at all) and Valentino says not one thing about the expenses of operating the Valentino system. The Examiner makes a leap or jump from a discussion that says nothing about something to inferring that such thing is important to Valentino without any basis in Valentino to do so. In doing so, the Examiner uses the present application as a guide. This is classic impermissible hindsight. Withdrawal of the rejection on this basis is requested.

Valentino is about employee benefits simulation, such as a savings plan benefit simulation. Kramer discusses content targeting that maintains privacy. The combination would produce an employee benefits simulation that maintains privacy. Not a system that includes "a purchase simulator that simulates the member's purchase of the advertising company's product ... and a product promotion analyzer that computes a product promotion result of advertisement the basis of an output of the purchase ..." - claim 1. Withdrawal of the rejection on this additional basis is requested.

The Examiner asserts, on page 4, that Valentino teaches a "purchase simulator that simulates the member's purchase of the product" and cites col. 14, line 45 - col. 15, line 23. This text particularly states:

Through the benefit and financial communication service, employees can also participate in useful and personal financial planning exercises (e.g., "what if" games) that can assist them in making more informed benefit and financial decisions in the future. For instance, the employee can enter personalized

information which can be treated independently or associated/merged with the data already in the extract to provide a new and more extended view of the information. By doing this, the employee can examine different financial conditions in a manner that is not readily available without extensive mathematical calculations and the assistance of an accountant or financial consultant. The employee can also simulate various scenarios by selecting alternative benefit and/or financial strategies from a matrix of benefit and/or financial options (such as with Flexible Benefit plans) and see the effects of these selections. In this way, the employee can bring together the best combination of benefits to achieve the individually desired level of coverage, while at the same time maximizing savings and minimizing costs and taxes.

During any session the employee can take advantage of one or all of the capabilities offered (e.g., inquiry, transactional, "what if" games) simply by following the instructions on the screen. Each screen is presented in clear and concise language and provides sufficient information to enable the employee to continue the session, select another choice, print a copy of the screen, or terminate the session. The pressing of the appropriate key will terminate the session. Once a session is terminated, the introductory screen is automatically displayed to welcome the next employee who uses the Benefit and Financial Communication to Service.

In summary, the benefit and financial communication service provides an employee, and later other consumers, with the ability to easily determine:

What are my current benefits and savings balances?

What does a new savings plan, stock option plan, or other benefit mean to me now and what will it mean in the future?

How much will I have if I "save" X dollars per week for Y years at Z interest rate?

What if I increase my rate of savings?

Can I afford increased savings?

The results of withdrawing money from a savings and/or investment account.

(See Valentino, col. 14, line 45 - col. 15, line 23)

This text says nothing about simulating the purchase of a product. Neither does Kramer. For this additional reason, withdrawal of the rejection is requested.

The Examiner provides a detailed discussion of the rejection of claim 1 spanning three pages. This discussion includes an enumeration of a correspondence between the prior art and the claim elements of "an inquiry information file", "an inquiry image display generator", "an inquiry information transmitter" and "a purchase simulator". However, nowhere does the Examiner address where the prior art teaches or suggests "an advertisement information file that stores advertising information, possibly including an advertisement link that allows access to an additional advertising information, said advertising information being sent from an advertising company" OR "a product promotion analyzer that computes a product promotion result of advertisement on the basis of an output of the purchase simulator and sends the product promotion result of more than one member in aggregate to the advertising company such that privacy is ensured for the more than one member". A prima facie case of obvious has not been

made as the Action fails to address these features of the claims. Withdrawal of the rejection is requested.

The invention of claim 1 calls for aggregating product promotion results and sending them to the advertising company to ensure privacy of the individuals. The Examiner points to Kramer col. 13, lines 26-53 for this feature. This text specifically states:

2. TIC Server Side Components

a) Server Side Knowledge Bases

The primary purpose of the server side is to serve as a repository for information required by the client systems. These include:

Report metadata: Information required to parse and interpret documents.

Domain specific fact databases: Information relating to report elements. In interpreting credit card reports, for example, these include merchant and product IDs, contact and classification information for merchants, products, and manufacturers, and relationships between merchants, products and manufacturers.

URL and Software classification databases: These are particularly important for analyzing viewer behavior based on active web pages, windows, and processes.

Rules and policies: The rules and policies used by the Modeling and Selection Engines for updating the user model and measuring and selecting content.

Content Description Databases: Elements of these databases contain references to actual content together with relevance criteria and the metadata required to evaluate appropriateness and consistency with business policies.

Statistical, Accounting, and Administrative databases: These databases track the number of views and other statistics needed for billing and determining overall effectiveness of TIC content selection.

(See Kramer, col. 13, lines 26-53)

The Examiner appears to equate the server of Kramer with the advertising company of claim 1. This text does not discuss aggregation to protect identity but rather the server contains not only aggregate data ("number of views") but also an individual's information such as "information required by the client systems" and information on "credit card reports". It also appears that the server of Kramer counts the number of views (see Kramer, col. 17, 62-67). By teaching the advertiser server (of Kramer) as holding individual information, counting requests to aggregate and holding the aggregate data, Kramer teaches away from the present invention where such information is separated and separately processed.

As discussed above, the invention of claim 1 simulates the member's purchase of the advertising company's product. To do this, as depicted in figures 1, 2, 67, 11B and 12A, the system uses a simulation database. In particular, claim 1 emphasizes "a purchase simulator that simulates the member's purchase of the advertising company's product **using a simulation database containing products and product prices of the advertising company**" (emphasis

added). Neither Valentino not Kramer teach or suggest such.

Claims 7, 13, 19 and 22 emphasize similar features.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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